

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
V.)	No. 04-10294-GAO
)	
DWIGHT COLE)	

STATUS REPORT AND ASSENTED-TO MOTION TO
EXCLUDE TIME UNDER SPEEDY TRIAL ACT

_____The United States of America, through its attorney, James P. Dowden, hereby provides the Court with a status report and, with the assent of counsel for the defendant, Charles P. McGinty, Esq., respectfully requests that the Court (1) schedule a status conference for the week of May 7, 2007, and (2) enter an Order excluding all time from March 7, 2007 to and including the date of such status conference under the Speedy Trial Act. In support of this motion, the government states the following:

1. Defendant Dwight Cole ("Cole") was indicted on September 22, 2004 in a three count indictment charging theft of mail, in violation 18 U.S.C. §1709.

2. At a March 7, 2007 status conference, the parties informed the Court that Cole may be an appropriate candidate for participation in a Pre-Trial Diversion Program ("Pre-Trial Diversion"). Counsel for the government further informed the Court that the matter had been referred to Pre-Trial Services so that Cole could be interviewed. After such interview, Pre-Trial Services would issue a report as to whether it believed Cole was an appropriate candidate for Pre-Trial Diversion. Counsel for the Government also informed the Court that upon completion of Pre-Trial Services' report, Cole's case would be forwarded to the appropriate supervisory officials in the United States Attorney's Office for the necessary final approvals.

3. At its March 7, 2007 status conference, the Court requested that counsel for Cole inform the Court once Cole and been interviewed by Pre-Trial Services. The Court further stated that a status conference should be scheduled shortly following such interview.

4. The parties have learned that Pre-Trial Services recently interviewed Cole. However, Pre-Trial Services is now awaiting the receipt of several medical records from the VA Hospital which directly bear on whether Cole is an appropriate candidate for Pre-Trial Diversion. Pre-Trial Services has informed the government that once it obtains these medical records, it will complete its report. The parties anticipate that this report will be completed by May 7, 2007.

5. The parties agree that, pursuant 18 U.S.C. §3161(h)(8)(A), it is in the interests of justice to exclude all time from March 7, 2007 until the Court's next scheduled status conference in this case.

WHEREFORE, the United States respectfully requests that Court schedule a status conference for the week of May 7, 2007 and that all time between March 7, 2007 and such status conference be excluded under the Speedy Trial Act.

Respectfully Submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ James P. Dowden
James P. Dowden
Assistant United States Attorney

Dated: April 16, 2007

CERTIFICATE OF SERVICE

This is to certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on April 16, 2007.

/s/ James P. Dowden

JAMES P. DOWDEN

Assistant United States Attorney